

1 Michael S. Kogan (SBN 128500)
KOGAN LAW FIRM, APC
2 11500 W. Olympic Blvd., Suite 400
Los Angeles, California 90064
3 Telephone (310) 954.1690
mkogan@koganlawfirm.com

5 Attorneys for Leslie Klein

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re) Case No. 2:23-bk-10990-SK
10)
LESLIE KLEIN,) Chapter 11
11)
12 Debtor.) Adv. No. 2:23-ap-01153-SK

14 ROBERT & ESTHER MERMELSTEIN,)
15 Plaintiff,) AMENDED NOTICE OF HEARING ON
16 v) MOTION FOR ORDER DISMISSING
CERTAIN CAUSES OF ACTION IN
COMPLAINT

PLEASE TAKE NOTICE that on [TO BE DETERMINED] at the United States
Bankruptcy Court located at 255 E. Temple Street, Los Angeles, California, 90012, Courtroom
1575, before the Honorable Sandra Klein, United States Bankruptcy Judge, Defendant, Leslie
Klein (“**Debtor**” or “**Defendant**”), will and does hereby move this Court for an Order Dismissing
Certain Causes of Action in the Complaint for Nondischargeability of Debt Pursuant to 11 USC §
523(a)(2)(a), 11 USC § 523(a)(4), & 11 USC § 523(a)(6); & for Denial of Discharge Pursuant to
11 USC § 727(a)(2)(a); 11 USC § 727(a)(2)(b); 11 USC § 727(a)(3); 11 USC § 727(a)(4); 11 USC

1 § 727(a)(5) (“**Complaint**”) against the Defendant Leslie Klein filed by Robert & Esther
2 Mermelstein (“**Plaintiff**” or “**Mermelstein**”) in the bankruptcy estate of Leslie Klein on the
3 following grounds:

4 1. The Fourth through Eighth Causes of Action of the Complaint fails to state facts
5 sufficient to constitute a claim for relief pursuant to Federal Rule of Civil Procedure 12(b)(6); and

6 2. The Fourth through Eighth Causes of Action of the Complaint should be dismissed
7 for failure to sufficiently support its causes of action under 11 U.S.C. §§ 727 (a)(2), (3), (4) and
8 (5).

9 The Motion is based on this Motion and Memorandum of Points and Authorities filed
10 herewith, the concurrently filed Notice, all papers, pleadings, files and records in this case and
11 such evidence as the Court might receive at the time of the hearing.

12 Any party desiring a copy of the Motion, Memorandum of Points and Authorities, the
13 may review the file at the Court or contact the attorneys for the Debtor for a copy.

14 Anyone who wishes to oppose the Motion must do so in a writing that complies with the
15 rules of practice and procedure before the United States Bankruptcy Court for the Central District
16 of California, and pursuant to Local Bankruptcy Rule 9013-1(1)(g), and must ensure that such
17 opposition is filed with the Court no later than fourteen (14) days prior to the hearing on the
18 Motion. Any such opposition must also be served on counsel to the Debtor at the following
19 address: Michael S. Kogan, KOGAN LAW FIRM, APC, 11500 W. Olympic Blvd., Suite 400, Los
20 Angeles, California 90064, and on the United States Trustee, 915 Wilshire Blvd., Suite 1850, Los
21 Angeles, California 90017. Any opposition not so filed and served may be deemed to constitute
22 consent to the relief requested in the Motion and a waiver of the right to be heard at the hearing on
23 the Motion.

24 | DATED: August 14, 2023

KOGAN LAW FIRM, APC
Michael S. Kogan

26 By: /s/Michael S. Kogan
27 Michael S. Kogan
Attorneys for Leslie Klein

In re: LESLIE KLEIN Debtor(s). Robert & Esther Mermelstein v Leslie Klein	CHAPTER: 11 CASE NUMBER: 2:23-bk- 10990-SK Adv. No. 2:23-ap-01153-SK
---------------------------------------------------------------------------------	-------------------------------------------------------------------------------

NOTE: When using this form to indicate service of a proposed order, DO NOT list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 11500 W. Olympic Blvd., Suite 400, Los Angeles, California 90064

A true and correct copy of the foregoing document described as AMENDED NOTICE OF HEARING ON MOTION FOR ORDER DISMISSING CERTAIN CAUSES OF ACTION IN COMPLAINT will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”) – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) (“LBR”), the foregoing document will be served by the court via NEF and hyperlink to the document. On August 15, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

1 Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL(indicate method for each person or entity served): On August 15, 2023, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

ý Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

0 Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

August 15, 2023

Pamela Lynn

/s/Pamela Lynn

Date

Type Name

Signature

In re: LESLIE KLEIN Debtor(s). Robert & Esther Mermelstein v Leslie Klein	CHAPTER: 11 CASE NUMBER: 2:23-bk- 10990-SK Adv. No. 2:23-ap-01153-SK
---------------------------------------------------------------------------------	-------------------------------------------------------------------------------

4
5 ADDITIONAL SERVICE INFORMATION (if needed):
6

7 I. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**
8

9 Baruch C Cohen (PL) bcc@BaruchCohenEsq.com, paralegal@baruchcohenesq.com Michael .
Gottfried (IP) mgottfried@elkinskalt.com, cavila@elkinskalt.com, lwageman@elkinskalt.com,
docketing@elkinskalt.com
Nikko Salvatore Stevens (IP) nikko@cym.law, mandi@cym.law
United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov
Clarissee Young (IP) youngshumaker@smcounsel.com, levern@smcounsel.com

10 **SERVED BY U.S. MAIL OR OVERNIGHT MAIL - VIA U.S. MAIL**

11 Hon. Sandra Klein
U.S. Bankruptcy Court
12 255 E. Temple St. #1582
Los Angeles, CA 90012

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28